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Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Note by the Secretary-General

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 16 July 1992 and 5 July 1993 in fields with which the Sub-Commission has been previously concerned. It supplements those questions which are dealt with in the annotations to the provisional agenda for the forty-fourth session of the Sub-Commission (E/CN.4/Sub.2/1992/1/Add.1).

Status and implementation of the International Covenants on Human Rights

2. The status of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights at 31 December 1992 is described in chapter IV of Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 1992 (ST/LEG/SER.E/11).

3. At 15 June 1993, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 121 States, the International Covenant on Civil and Political Rights had been ratified or acceded to by 117 States and the Optional Protocol to the International Covenant on Civil and Political Rights had been ratified or acceded to by 68 States.

4. The General Assembly, at its forty-fourth session, in resolution 44/128 of 15 December 1989, adopted and opened for signature and ratification on 15 December 1989 the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

5. As at 15 June 1993, the Second Optional Protocol had been ratified by or acceded to by 17 States. It entered into force on 11 July 1991, three months after the date of deposit with the Secretary-General of the tenth instrument of ratification or accession.

Committee on Economic, Social and Cultural Rights

6. At its seventh and eighth (extraordinary) sessions, held from 23 November to 11 December 1992 and from 10 to 28 May 1993 respectively, the Committee considered 11 reports submitted to it under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. During the seventh session, the Committee held a general discussion on the right to take part in cultural life as recognized in article 15 of the Covenant, and at its eighth session on the rights of the ageing and elderly in relation to the rights recognized in the Covenant. At its seventh session, the Committee also considered a discussion note on a draft optional protocol to the Covenant and adopted an analytical paper entitled "Towards an optional protocol to the International Covenant on Economic, Social and Cultural Rights", which, together with the Committee's statement, has been submitted to the World Conference on Human Rights (A/CONF.157/PC/62/Add.5). A report on the Committee's seventh session was submitted to the Economic and Social Council (E/1993/22).

Human Rights Committee

7. During its forty-fifth, forty-sixth and forty-seventh sessions held in July, October/November 1992 and March/April 1993, respectively, the Committee considered three initial reports, six second periodic reports and six third periodic reports submitted to it under article 40 of the International Covenant on Civil and Political Rights. It also considered the reports submitted by the Governments of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) pursuant to a decision adopted on 7 October 1992.

8. During the three sessions, the Committee also adopted 22 views under article 5, paragraph 4, of the Optional Protocol to the Covenant, and took 25 decisions declaring communications inadmissible under the Optional Protocol. A report on the Committee's forty-third to forty-fifth sessions was submitted to the General Assembly at its forty-seventh session (A/47/40) and a report on its forty-sixth to forty-eighth sessions will be submitted to the General Assembly following the Committee's forty-eighth session, in July 1993 (A/48/40).

9. The Commission on Human Rights, at its forty-ninth session, adopted resolution 1993/15 of 26 February 1993 concerning the status of the International Covenants on Human Rights. In that resolution, the Commission, inter alia, invited the Secretary-General to intensify systematic efforts to

encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto; it recommended that States parties periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained; it invited States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to the summary records relating to the examination of those reports by the Committees; and it requested the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights.

Status of the International Convention on the Elimination of All Forms of Racial Discrimination

10. At 15 June 1993, 135 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination.

Committee on the Elimination of Racial Discrimination

11. During its forty-first and forty-second sessions, held in August 1992 and March 1993 respectively, the Committee considered reports submitted by 16 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in 14 States parties whose reports were long overdue. At each of the two sessions, the Committee also considered communications submitted under article 14 of the Convention and discussed a programme of action for a possible third decade to combat racism and racial discrimination.

12. At its forty-second session, the Committee adopted general recommendations on non-citizens; the training of law enforcement officials; adherence to the Convention by successor States; article 1 (1) of the Convention; article 4 of the Convention; the application of article 9 of the Convention; and national commissions to facilitate the implementation of the Convention. The Committee also adopted a paper on measures that it might take with a view to preventing violations of the Convention, including early warning and urgent procedures.

13. The General Assembly, at its forty-seventh session, adopted resolution 47/79 of 16 December 1992 concerning the report of the Committee, inter alia, welcoming the innovatory procedures adopted by the Committee for reviewing the implementation of the Convention in States whose reports are overdue and for formulating concluding observations on State party reports; expressing its profound concern at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had still not fulfilled their financial obligations; strongly appealing to all States parties, especially those in arrears, to fulfil their financial obligations; requesting the Secretary-General to invite those States

parties which were in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its forty-eighth session; and deciding to consider the report of the Secretary-General on the financial situation of the Committee and the report of the Committee on its activities at its forty-eighth session under the agenda item entitled "Elimination of Racism and Racial Discrimination".

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

14. At 15 June 1993, there were 96 States parties to the Convention.

15. The General Assembly, at its forty-seventh session, in resolution 47/81 of 16 December 1992, inter alia, appealed once again to those States that had not yet done so to ratify or to accede to the Convention without further delay; it appealed once again to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes committed by the Government of South Africa with a view to promoting further ratification or accession to the Convention; and it requested the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification or accession to the Convention.

The Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid

16. The Commission on Human Rights, at its forty-ninth session, adopted resolution 1993/10 of 26 February 1993, relating to the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid. In that resolution, the Commission, inter alia, took note with appreciation of the report of the Group of Three, and in particular of the conclusions and recommendations contained in that report (E/CN.4/1993/54); commended those States parties to the Convention that had submitted periodic reports, and called upon those States parties that had not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention. By the same resolution, the Commission again urged States that had not yet done so to ratify or accede to the Convention without delay, especially those States that had jurisdiction over transnational corporations operating in South Africa; appealed to those States parties to strengthen their cooperation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid in accordance with article VI of the Convention and with the Charter of the United Nations; urged the resumption of genuine and broad-based negotiations for a democratic and non-racial South Africa; and requested the international community to urge the Government of South Africa to repeal the remaining apartheid laws and introduce the necessary legal and administrative measures to correct the entrenched socio-economic inequalities.

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

17. At 10 June 1993, the Convention had been ratified or acceded to by 72 States. In addition, 17 States had signed the Convention.

Committee against Torture

18. At its ninth and tenth sessions, held from 9 to 20 November 1992 and 19 to 30 April 1993, respectively, the Committee considered 16 reports submitted to it under article 19 of the Convention and continued in closed meetings its activities under articles 20 (inquiries) and 22 (individual communications) of the Convention. A report on the Committee's ninth and tenth sessions has been submitted to the General Assembly at its forty-eighth session (A/48/44).

19. The Commission on Human Rights, at its forty-ninth session, adopted resolution 1993/37 of 5 March 1993, concerning the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this resolution, the Commission, inter alia, welcomed the report of the Committee against Torture on its seventh and eighth sessions (A/47/44); stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture; urged all States to become parties to the Convention as a matter of priority and invited all States ratifying or acceding to the Convention and those States parties that had not yet done so to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20. The Commission further requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture.

Status of the Convention on the Rights of the Child

20. The Convention on the Rights of the Child was adopted by the General Assembly in its resolution 44/25 of 20 November 1989. It was opened for signature, ratification and accession in New York, on 26 January 1990, and entered into force on 2 September 1990, following the receipt of the twentieth instrument of ratification or accession.

21. As at 16 June 1993, 139 States had ratified or acceded to the Convention. In addition, 21 States had signed the Convention.

Committee on the Rights of the Child

22. At its second session, held from 28 September to 9 October 1992, the Committee continued to discuss matters relating to its methods of work. It considered issues concerning the organization of informal regional meetings; access by the Committee to relevant sources of information; public information activities; relations with other United Nations organs and treaty bodies; as well as issues to be brought to the attention of the fourth meeting of persons

chairing the human rights treaty bodies. The Committee discussed the establishment of an urgent action procedure. It also devoted one day to a general discussion on the topic of "children in armed conflicts". At its third session, held from 11 to 29 January 1993, the Committee considered six initial reports submitted to it under article 44 of the Convention. The Committee also considered issues relating to the dissemination of information on the Convention; the promotion of interaction between the Committee and other United Nations and treaty bodies; the possibility of establishing within the Centre for Human Rights a documentation unit on the rights of the child; the Committee's participation in the World Conference on Human Rights and the follow-up to the discussion on children in armed conflicts, including a recommendation that the Secretary-General undertake a study on ways and means to improve the protection of children from the adverse consequences of armed conflicts.

23. At its forty-seventh session, the General Assembly adopted resolution 47/112 of 16 December 1992 concerning the implementation of the Convention on the Rights of the Child. In that resolution, the General Assembly, inter alia, called upon all States that had not done so to sign, ratify or accede to the Convention as a matter of priority; emphasized the importance of the strict compliance by States parties with their obligations under the Convention; approved the recommendation contained in the resolution adopted at the second meeting of the States parties to the Convention regarding the organization of the future work of the Committee on the basis of two sessions per year, each of up to three weeks' duration, and the establishment of a pre-sessional working group that would meet for one week approximately two months in advance of each session for a preliminary review of reports from States parties; requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee on the Rights of the Child; requested United Nations bodies and organizations as well as intergovernmental and non-governmental organizations to intensify their efforts to disseminate information on the Convention; and also requested the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the status of the Convention on the Rights of the Child.

24. The Commission on Human Rights, at its forty-ninth session, adopted resolution 1993/78 of 10 March 1993 concerning the implementation of the Convention on the Rights of the Child. In that resolution, the Commission, inter alia, welcomed the constructive and useful results achieved by the Committee on the Rights of the Child during its first three sessions; further welcomed the decision of the Committee at its third session to recommend that the General Assembly initiate a study on children in armed conflicts; expressed concern at the increasingly heavy workload of the Committee and the resulting difficulties faced by it in the fulfilment of its functions; took note with interest of the methods of work of the Committee including the adoption of an urgent action procedure; and requested the Secretary-General to submit a report on the status of the Convention to the Commission at its fiftieth session.

Effective implementation of international instruments on human rights including reporting obligations of States parties to the United Nations instruments in the field of human rights

25. The General Assembly, at its forty-seventh session, adopted resolution 47/111 of 16 December 1992, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". In that resolution, the General Assembly, inter alia, requested the Secretary-General to give high priority to establishing a computerized database; expressed its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which contains several recommendations on reporting and monitoring procedures, servicing and financing of supervisory bodies and long-term approaches to human rights standard-setting and implementation mechanisms and which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session, and, in the light of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628, annex), requests that the report of the independent expert be updated for submission to the fiftieth session of the Commission on Human Rights and that an interim report be presented to the General Assembly at its forty-eighth session, and be made available to the World Conference on Human Rights in June 1993 (see A/CONF.157/PC/62/Add.11/Rev.1); endorsed the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and requested the Secretary-General (a) to take the appropriate measures to provide for the financing of the committees established under those conventions from the regular budget of the United Nations, beginning with the budget for the biennium 1994-1995; (b) to take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force; and also requested the Secretary-General, in the light of the views expressed at the forty-ninth session of the Commission on Human Rights and the thirty-seventh session of the Commission on the Status of Women, to submit to the General Assembly at its forty-eighth session a report examining the conclusions and recommendations of the October 1992 meeting of persons chairing the human rights treaty bodies.

26. The Commission on Human Rights, at its forty-ninth session, adopted resolution 1993/16 of 26 February 1993, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments". In this resolution, the Commission, inter alia, welcomed the decision by the General Assembly, in its resolution 47/111, to request the Secretary-General: to take the measures outlined above; urged States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for funding of the respective Committees from the regular budget; endorsed the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies; requested the

Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies (A/47/628, annex, para. 59); urged the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting Member States, in particular States that are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system; and decided to consider the question on a priority basis as its fiftieth session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".